IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2688 of 2005

Between:

P.John Moses, S/o.Isaiah,
Railway Station Near LIC office, Nandyal, Kurnool District.

..... PETITIONER

AND

1. The Principle Secretary to the Government, Labour & Employment & Training Factories (Lab-IV) Department, Secretariat, Hyderabad. A.P.

2 The Assistant Commissioner of Labour, Kurnool District.
3 The Regional Manager APSRTC., Kurnool Region,Kurnool District.
4 The Depot Manager, APSRTC, Banaganapalli Bus Depot, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in not referring the dispute to the concerned Tribunal or Labour court for adjudication in pursuance of the proceedings of the 2nd respondent in Rc.No.A/835/2002, dated 22-2-2003 as required under section 12(4) of Industrial Dispute Act as illegal, arbitrary and unjust and consequently direct the 1st respondent 1st respondent to refer the dispute to the concerned Tribunal or Labour court for adjudication in pursuant of the 2nd Respondent proceedings in Rc.No.A/835/2002, dated 22-2-2003.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: GP FOR LABOUR

The Court, at the admission stage, made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 1st respondent in not referring the dispute to the Tribunal or Labour Court concerned for adjudication in pursuance of the proceedings of the 2nd respondent in Rc.No.A/835/2002, dated 22.2.2003 as required under Section 12(4) of the Industrial Dispute Act, 1947 as illegal and arbitrary.

Heard the learned counsel for the petitioner, the learned Government Pleader for Labour for the 1st and 2nd respondents and the learned standing counsel for the 3rd and 4th respondents and perused the material on record.

Without entering into the merits of the case, I consider it appropriate to direct the 1st respondent to take appropriate decision in accordance with law and particularly with reference to Section 12(4) of Industrial Disputes Act, 1947 within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

23rd February, 2005.

bcj

To

1 The Principle Secretary to the Government, Labour & Employment & Training Factories (Lab-IV) Department, Secretariat, Hyderabad. A.P.
2 The Assistant Commissioner of Labour, Kurnool District.
3 The Regional Manager APSRTC., Kurnool Region,Kurnool District.
4 The Depot Manager, APSRTC, Banaganapalli Bus Depot, Kurnool District.

5 Two C.Cs. to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies.